

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

CITY OF ROCHELLE, an Illinois municipal corporation
Petitioner

V.

CITY OF ROCHELLE; OGLE COUNTY, ILLINOIS;
ILLINOIS DEPARTMENT OF TRANSPORTATION;
THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY;
UNION PACIFIC RAILROAD COMPANY; and THE
BURLINGTON NORTHERN AND SANTA FE RAILWAY
COMPANY
Respondents

Petition for an Order authorizing three (3) new at grade
crossings of the City of Rochelle Streets and one (1) new
at grade crossing of Ogle County Highway 17 (Steward Road),
an Ogle County highway, and passage beneath an overpass on
Interstate 88, a toll highway under the jurisdiction of The Illinois State
Toll Highway Authority, with a track belonging to the City of Rochelle,
Illinois, and directing the installation of crossing protection.

RECEIVED
MAR 22 2005

Illinois Commerce Commission
RAIL SAFETY SECTION

No. T04-0071

MOTION FOR EXPEDITED RULING

Petitioner the City of Rochelle moves the Commission for an expedited ruling in
this cause, and in support thereof alleges:

1. The petition in this cause, filed October 24, 2004, requested an expedited
hearing for the reason that one of the industries to be served by the proposed lead track
was a 500,000 square foot warehouse recently constructed by DP Partners, which had a
prospective tenant for the warehouse who required possession during the fall of 2004,
with rail service in place.

2. On information and belief, the prospective tenant referred to was lost because
of the absence of rail.

DOCKETED

MAR 22 2005

3. The amended petition tendered for filing pursuant to the City's motion filed December 10, 2004, requested an expedited hearing for the reason that DP Partners was seeking a prospective tenant for the warehouse, who could be expected to require rail service in place.

4. A hearing on this matter was held March 2, 2005, at the conclusion of which the case was submitted.

5. By letter dated March 17, 2005, DP Partners has advised the City that it has executed a letter of intent with a prospective tenant, Clark Steel Framing Systems, to lease and occupy in excess of 213,000 square feet of space in the warehouse, commencing July 1, 2005, with a requirement that rail service be in place by that date. A true copy of DP Partners' letter to the City is attached hereto as Exhibit A.

6. In order to provide rail to the warehouse, the City would need to complete only the first phase of its rail extension, which would include all four (4) of the grade crossings. The City believes it could complete the first phase within six (6) weeks of commencing construction.

7. With all due respect, and without presuming to anticipate what the Commission's order in this matter may provide, the City respectfully requests that all reasonable steps be taken to expedite the issuance of a proposed order and final order in this matter to accommodate the exigencies faced by the City and DP Partners in this matter.

WHEREFORE, the City of Rochelle respectfully prays for the relief sought herein.

Attorney for CITY OF ROCHELLE

BY: 
ALAN H. COOPER

Attorney at Law
400 May Mart Drive
P.O. Box 194
Rochelle, IL 61068
(815) 562-2677

CERTIFICATE OF SERVICE

The undersigned, Alan H. Cooper, hereby certifies that on the 18th day of March, 2005, he served a copy of the foregoing instrument by depositing the copies in the United States Mail, certified-return receipt requested, postage prepaid, at Rochelle, Illinois, to the individuals named on the attached Service List in envelope plainly addressed to each of the following:

City of Rochelle
City Manager
Joseph H. Salitros
420 N. 6th Street
Rochelle, IL 61068

Union Pacific Railroad Company
Mr. Gary Wilberding
301 West Lake Street
Northlake, IL 60164

Attorney Paul A. Lewis
The Illinois State Toll Highway
Authority
2700 Ogden Avenue
Downers Grove, IL 60515

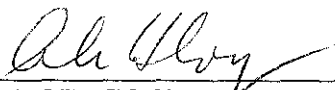
Mr. Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
188 South Clinton, Suite 700
Chicago, IL 60661

Ogle County Engineer
Mr. Curtis Cook
Illinois Route 2 South
Oregon, IL 61061

Illinois Department of Transportation
Mr. Vic Modeer, Director
Division of Highways
2300 South Dirksen Parkway
Springfield, IL 62764

Hon. Joseph H. O'Brien
Administrative Law Judge
Review & Examination Program
527 East Capitol Avenue
6th Floor
Springfield, IL 62701

Mr. Henry Humphries
Railroad Safety Specialist
527 East Capitol Avenue
Springfield, IL 62701


ALAN H. COOPER, attorney
for the City of Rochelle



March 17, 2005

Mr. Joe Salitros
City Manager
City of Rochelle
416 N. 6th Street
Rochelle, Illinois 61068

RE: Signed Letter of Intent 213,620 square feet for DP Partners

Dear Joe,

The purpose of this letter is to inform the City that DP Partners has fully executed a Letter of Intent with Clark Steel Framing Systems to lease and occupy over 213,000 square feet of space in DP Partner's existing 572,375 square foot facility in the LogistiCenter at Rochelle. The delivery date for the space including having the City's rail service at the facility is set for **July 1, 2005**.

This tenant will not accept this location without rail service.

As we are all well aware, the City extension project has not yet commenced. DP Partners cannot provide rail service to the buildings until the City rail extension project is complete. DP shall continue to weigh all the options available to us, to insure rail is to the building by July 1, 2005.

Best Regards,

A handwritten signature in black ink, appearing to read 'Tom Brown'.

Tom Brown
Development Manager

cc: Dennis Shaw

EXHIBIT A

N A T I O N W I D E I N D U S T R I A L D E V E L O P M E N T

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ph 775-858-8080

fx 775-856-0831

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